

FILED
Date _____
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Comm. Amdt. _____

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1944

House Bill No. 1946*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 2, is amended by adding the following as a new section:

(a) Aggravated vehicular homicide is vehicular homicide, as defined in § 39-13-213 (a)(2), where:

- (1) The defendant has two (2) or more prior convictions for:
 - (A) Driving under the influence of an intoxicant;
 - (B) Vehicular assault; or
 - (C) Any combination of such offenses;
- (2) The defendant has one (1) or more prior convictions for the offense of vehicular homicide; or
- (3) There was at the time of the offense twenty-hundredths of one percent (.20%), or more, by weight of alcohol in the defendant's blood and the defendant has one (1) prior conviction for:
 - (A) Driving under the influence of an intoxicant; or
 - (B) Vehicular assault.

(b)

(1) As used in this section, unless the context otherwise requires, "prior conviction" means an offense for which the defendant was convicted prior to the commission of the instant vehicular homicide and shall include convictions occurring prior to the effective date of this act.

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(2) "Prior conviction" includes convictions under the laws of any other state, government, or country which, if committed in this state, would have constituted one (1) of the three (3) offenses enumerated in subsection (a)(1) or (a)(2) of this section. In the event that a conviction from a jurisdiction other than Tennessee is not specifically named the same as one (1) of the three (3) offenses enumerated in subsection (a)(1) or (a)(2) of this section, the elements of the offense in the other jurisdiction shall be used by the Tennessee court to determine if such offense constitutes one (1) of the prior convictions required by subsection (a) of this section.

(c) If the defendant is charged with aggravated vehicular homicide, the indictment, in a separate count, shall specify, charge and give notice of the required prior conviction or convictions. If the defendant is convicted of vehicular homicide under Tennessee Code Annotated, Section 39-13-213(a)(2), the jury shall then separately consider whether the defendant has the requisite number and types of prior offenses and/or level of blood alcohol concentration necessary to constitute the offense of aggravated vehicular homicide. If the jury convicts the defendant of aggravated vehicular homicide, the court shall pronounce judgment and sentence the defendant from within the felony classification set out in subsection (d) of this section.

(d) Aggravated vehicular homicide is a Class A felony.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

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